

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MEGAN GARFIELD,)
vs.)
Plaintiff,)
vs.) NO. CIV-18-0070-HE
NANCY A. BERRYHILL,)
Acting Commissioner of the)
Social Security Administration)
Defendant.)

ORDER

Plaintiff Megan Garfield filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her applications for disability insurance benefits and supplement security income. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the case was referred to Magistrate Judge Bernard M. Jones, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge failed to address significantly probative evidence when considering plaintiff's mental impairments and improperly mischaracterized the evidence.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Jones's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order.

IT IS SO ORDERED

Dated this 26th day of September, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE